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Attorneys for non-parties Fox Broadcasting
Company, LLC, Fox Sports 1,
LLC (as successors-in-interest to
Fox Cable Networks, Inc. and Fox
Broadcasting Company), and Big
Ten Network, LLC

List of Defendants' counsel appears in signature block

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

In re College Athlete NIL Litigation

Case No. 4:20-cv-03919 CW

**JOINT STIPULATION PURSUANT TO
PROTECTIVE ORDER RE: DISCLOSURE
OF CONFIDENTIAL NETWORK
AGREEMENTS TO DEFENDANTS'
EXPERT**

[Proposed] Order filed concurrently

Joint Stipulation

Pursuant to the operative stipulated protective orders and amendments in place in this action dated December 22, 2020 [ECF 137] and February 8, 2021 [ECF 148] (the “Protective Orders”), non-parties Fox Broadcasting Company, LLC and Fox Sports 1 (as successors-in-interest to Fox Cable Networks, Inc. and Fox Broadcasting Company), and the Big Ten Network, LLC (collectively, “Fox”), Defendants, and Defendants’ retained expert Robert Thompson entered into an agreement (the “Agreement”) concerning conditions on Mr. Thompson’s ability to view certain “Network Strictly Confidential” materials. At the time that Fox, Defendants, and Mr. Thompson entered into the Agreement, Mr. Thompson had not yet been disclosed as Defendants’ expert in this action.

Now that Defendants have disclosed Mr. Thompson as their retained expert, Defendants and Fox stipulate to the entry of an Order reflecting the terms of their Agreement. This stipulation is made pursuant to the February 8, 2021, Protective Order [ECF 148], ¶¶ 14-16 (governing parties’ duty to disclose expert witnesses to non-party networks, networks’ right to object to disclosure of confidential materials, and the Court’s power to restrict such disclosure), for the following reasons:

WHEREAS, Fox manages and operates several sports networks, sites, and platforms including, but not limited to, FOX, Fox Sports 1, Fox Sports 2, and the Big Ten Network (“BTN”).

WHEREAS, in connection with the management and operation of these networks, Fox has secured telecast and other media rights to certain college football and other sports games (the “telecast rights”).

WHEREAS, the telecast rights are memorialized in confidential agreements and referenced in various other confidential documents previously produced in litigation in the actions captioned *In re NCAA Athletic Grant-in-Aid Cap Antitrust Litigation*, United States District Court, Northern District of California, Case Nos. 4:14-md-2541-CW and 4:14-cv-2758-CW, and subsequently deemed by the parties and the court to have been produced in this action.

WHEREAS, Fox’s confidential material produced in this action is subject to the Protective Orders, and Fox is not a party to this action but has standing to protect its confidential information pursuant to the Protective Orders.

1 WHEREAS, the February 8, 2021, Protective Order [ECF 148] provides that parties must
2 disclose to non-party networks the identities of parties' experts and consultants prior to disclosing
3 certain "Network Strictly Confidential" materials to those experts.

4 WHEREAS, Fox also has the right to object, as appropriate, to party experts' ability to
5 access confidential agreements and information under the Protective Order.

6 WHEREAS, following this procedure, Defendants identified Mr. Thompson to Fox as
7 Defendants' retained expert.

8 WHEREAS, Mr. Thompson is a sports media consultant. He previously served as the
9 President of Fox Sports Networks.

10 WHEREAS, Fox timely asserted a qualified objection to Defendants' disclosure of Fox's
11 Network Strictly Confidential materials to Mr. Thompson.

12 WHEREAS, Fox and Defendants reached an agreement to place conditions on the
13 disclosure of Fox's Network Strictly Confidential materials to Mr. Thompson.

14 NOW, THEREFORE, IT IS HEREBY JOINTLY STIPULATED AND AGREED, subject
15 to the Court's approval that:

- 16
- 17 1. If Mr. Thompson is given access to any of Fox's Network Strictly Confidential materials,
18 he will maintain their confidentiality consistent with the Protective Orders;
 - 19 2. If Mr. Thompson is given access to Fox's Network Strictly Confidential materials, then he
20 may not serve as a consultant for (or otherwise assist) any Defendant conference in
21 connection with negotiation for any prospective telecast rights regarding college football
22 with Fox or any Fox-affiliated and controlled company through May 30, 2025; and
 - 23 3. In the course of Mr. Thompson's work in the Action, he must not use or disclose any
24 confidential Fox information he learned while employed by Fox that has not otherwise
25 been disclosed as part of the Action.

26 Dated: February 8, 2023

Defendant Atlantic Coast Conference

27 By:



D. Erik Albright
FOX ROTHSCHILD LLP

28 On behalf of Defendant Atlantic Coast Conference

1 Dated: February 7, 2023

Defendant The Big Ten Conference, Inc.

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3 By:



Britt Miller
Daniel Fenske

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MAYER BROWN LLP

On behalf of Defendant The Big Ten Conference, Inc.

7 Dated: February __, 2023

Defendant The Big Twelve Conference, Inc.

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9 By:

POLSINELLI PC

On behalf of Defendant The Big Twelve Conference, Inc.

12 Dated: February __, 2023

Defendant National Collegiate Athletic Association

14 By:

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WILKINSON STEKLOFF LLP

On behalf of Defendant National Collegiate Athletic Association

18 Dated: February __, 2023

Defendant Pac-12 Conference

20 By:

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COOLEY LLP

On behalf of Defendant Pac-12 Conference

1 Dated: February __, 2023

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POL SINELLI PC

On behalf of Defendant The Big Twelve Conference, Inc.

12 Dated: February 3, 2023

Defendant National Collegiate Athletic Association

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On behalf of Defendant Pac-12 Conference

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7 Dated: February __, 2023

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12 Dated: February __, 2023

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WILKINSON STEKLOFF LLP

On behalf of Defendant National Collegiate Athletic Association

18 Dated: February 7, 2023

Defendant Pac-12 Conference

20 By:



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COOLEY LLP

On behalf of Defendant Pac-12 Conference

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Dated: February 3, 2023

Defendant Southeastern Conference

By:



ROBINSON BRADSHAW & HINSON, P.A.

On behalf of Defendant Southeastern Conference

Dated: February 2, 2023

Mr. Robert Thompson

By:




Robert Thompson

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Dated: February 10, 2023

Fox Broadcasting Company LLC and Fox Sports 1, LLC (as successors-in-interest to Fox Cable Networks, Inc. and Fox Broadcasting Company), and Big Ten Network, LLC

By: 
David R. Singer
Elizabeth Baldrige

JENNER & BLOCK LLP